

REMARKS/ARGUMENTS

Upon entry of this paper, claims will not have been amended but are resubmitted for reconsideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejection of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided.

Turning to the merits of the action, the Examiner has rejected claims 1, 3, 4, 6, 8, 9, 11, 13, 14, 16, 18, 20, 22, 24, 26, 28, 30 and 32 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3, 5-7, 9-11, 13, 15, 17, 19, 21, 23, 25, 27 and 29 of U.S. Patent No. 7,221,471 to OGAWA.

In this regard, Applicant has prepared and is filing concurrently herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to obviate the judicially created double patenting rejection. The terminal disclaimer includes a provision that any patent granted on the present application shall be enforceable only for and during such period that said patent is commonly owned with the patent which formed the basis for the rejection.

Submission of such Terminal Disclaimer should not be taken as an indication of Applicant's or Assignee's acquiescence with the propriety of the obviousness-type double patenting rejection. Rather, Applicant is submitting the attached Terminal Disclaimer solely in order to obtain early allowance of the claims of the present application.

Although the present rejection is being submitted after issuance of a final rejection entry thereof, it is submitted to be appropriate and proper under the guidelines of 37 C.F.R. § 1.116.

In particular, no amendments are being submitted. Rather the attached Terminal Disclaimer obviates the only outstanding rejection without raising any new issues requiring further search or consideration. Furthermore, the response clearly places the present application into clear condition for allowance.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejection and an indication of the allowability of all the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has now done so. In regard to the nonstatutory obviousness type double patenting rejection, Applicant has submitted an executed Terminal Disclaimer to obviate the same. Accordingly, Applicant respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Should an extension of time be necessary to maintain the pendency of this application, including any extensions of time required to place the application in condition for allowance by an Examiner's Amendment, the Commissioner is hereby authorized to charge any additional fee to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,

Hidehiko OGAWA



Bruce H. Bernstein

Reg. No. 29,027

William Pieprz
Reg. No. 33,630

September 26, 2007
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191